APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,074	09/27/2001	Pieter Van Der Meulen	PHUS 018053	5397

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20 and 23</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20 and 23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09/27/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)　　　　　　　　　　Office Action Summary　　　　　　　　Part of Paper No./Mail Date 20060727.

DETAILED ACTION

This Action is in regards to the Reply received on 05/01/2006.

Response to Amendment

1.   This action is responsive to the application filed on 05/01/2006. All claims have

been amended except claims 21, 22, and 24 have been cancelled. Claims 1-20, and 23

are pending. Claims 1-20, and 23 represent a "method and apparatus and article of

manufacture for IP radio stream interception for notification of events using synthesized

audio."

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 11, 19 and 20 have been

carefully considered, but are not deemed fully persuasive. Applicant's arguments are

deemed moot in view of the following new ground of rejection as explained here below,

necessitated by Applicant substantial amendment (i.e., a method wherein at least one

further sending device operatively connected to the data communications network, the

at least one further sending device transmitting an event in a packet upon a

predetermined occurrence) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and

all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly

point out the patentable novelty which he or she thinks the claims present in view of the

state of the art disclosed by the references cited or the objections made. He or she

must show the amendments avoid such references or objections."

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-20, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Zimmers et al (Zimmers), Patent No. 6,816,878 B1 in view of Takashimizu et al.

(Takashimizu), U.S. Patent No. 6,813283 B2.

Regarding **claim 1**, Zimmers discloses the invention substantially as claimed. Although

Zimmers teaches a system for transmitting a programmable message to a receiving

device upon receipt of an event (fig. 1), said system comprising:

an Internet data communications network interface (fig. 1, item 106; column 6,

lines 52-64);

at least one sending device, operatively connected to the data communications

network, the at least one sending device sending a stream of packets (column 6, lines

46-67);

at least one further sending device operatively connected to the data

communications network, the at least on further sending device transmitting an event in

a packet upon a predetermined occurrence (column 11, lines 10-49; column 6, lines 46-67);

at least one receiving device, operatively connected to the data communications network, the at least one receiving device capable of receiving and processing data; the at least one receiving device receiving and rendering said stream of packet(column 6, lines 46-67);

a persistent data store (column 11, lines 10-49);

a predetermined set of selectively retrievable messages resident in the persistent data store (column 11, lines 10-49);

a monitor operatively in communication with the sending, the monitor further being able to access the set of selectively retrievable messages stored in the persistent data store(fig. 1, item 112; column 6, lines 46-67); and

However, as indicated by the applicant in the remaks in page 12, Zimmers does not teach the monitoring software, at least a portion of which is resident and executable within the monitor, the monitoring software capable causing the monitor to detect the event in a packet received from the sending device, to select at least one of the selectively retrievable messages based on the event, to modify data in the packet, containing the event to include the selected retrievable message, and to substitute said modified packet for a corresponding packet in said stream of packets, whereby said at least one receiving device renders said selected retrievable message.

In the same field of endeavor, Takashimizu discloses "a digital broadcasting signal receiving method comprising: a channel decoding step of receiving transmitted

digital information and demodulating the received digital information into a bit stream

having a predetermined packet structure, said transmitted digital information being a

plurality of logical channel signals constituted by video, audio and data that are

multiplexed as digital information on a single bit stream having a predetermined packet

format and are transmitted; a first packet separating step of extracting a designated

packet from a bit stream output from said channel decoding step; a source decoding

step of decoding a logical channel signal output from said first packet separating step

to output the decoded logical channel signal as a television signal; a second packet

separating step of extracting at least a portion of the designated packets from the bit

stream output from said channel decoding step; a packet inserting step of inserting a

new packet into said output bit stream from said second packet separating step; an

output step of outputting a bit stream output from said packet inserting step toward

recording/ reproducing circuit; and an input step of supplying a bit stream derived from

said recording/reproducing circuit to said first packet separating step..." [see

Takashimizu; column 16, lines 8-37].

Accordingly, it would have been obvious to one of ordinary skill in the networking

art at the time the invention was made to have incorporated Takashimizu's teachings of

a method and apparatus to select at least one of the selectively retrievable messages

based on the event, to modify data in the packet, containing the event to include the

selected retrievable message, and to substitute said modified packet for a

corresponding packet in said stream of packets with the teachings of Zimmers, for the

purpose of providing to provide a digital broadcasting signal receiving apparatus as

well as a digital broadcasting signal receiving/recording/reproducing apparatus,

capable of immediately reproducing a program recorded in a direct form of a digital

signal without executing any cumbersome operations similar to the above-described

analog signal recording/reproducing VTR as stated by Takashimizu in lines 1-9 of

column 2. By this rationale **claim 1** is rejected.

Regarding **claim 2**, The combination Zimmers-Takashimizu discloses the system

as claimed in claim 1 wherein the data communications network interface is selected

from the group of data communications network interfaces consisting of wired networks,

wireless networks, and mixed wired and wireless networks (see Zimmers; fig. 1).

Regarding **claim 3**, The combination Zimmers-Takashimizu discloses the system

as claimed in claim 1 wherein the data communications network interface further

comprises a local area network (see Zimmers; fig. 1, item 102).

Regarding **claim 4**, The combination Zimmers-Takashimizu discloses the system

as claimed in claim 3 wherein the events comprise alerts generated by devices

operatively connected to the local area network (see Zimmers; fig. 1, item 100).

Regarding **claim 5**, The combination Zimmers-Takashimizu discloses the system

as claimed in claim 3 wherein the monitor is operatively connected to both the Internet

and the local area network as a gateway intermediate the Internet and one or more

devices operatively connected to the local area network(see Zimmers; fig. 1, item 1130,

and/or 134).

Regarding **claim 6**, The combination Zimmers-Takashimizu discloses the

system as claimed in claim 1 wherein the at least one receiving device receiving the

message from the monitor is selected from a group of receiving devices connected to

the local area network and receiving devices operatively connected to the Internet (see

Zimmers; fig. 1, item 112, and 104).

Regarding **claim 7**, The combination Zimmers-Takashimizu discloses the

system as claimed in claim 1 wherein said at least one receiving device processes the

selected retrievable message into data formatted to be rendered into human perceptible

experiences (see Zimmers; column 11, lines 35-49).

Regarding **claim 8**, The combination Zimmers-Takashimizu discloses the system

as claimed in claim 1 wherein the receiving device comprises intelligent home network

appliances, radios, personal computers, and televisions, each of which is capable of

rendering the processed data into human perceptible experiences (see Zimmers; fig. 1,

items 110, 111, 117; column 11, lines 27-34).

Regarding **claim 9**, The combination Zimmers-Takashimizu discloses the system

as claimed in claim 1 wherein the persistent data store is a selected from the set of

persistent data stores consisting of magnetic media located local to the monitor,

magnetic media distributed away from the monitor, optical media located local to the

monitor, optical media distributed away from the monitor, solid state memories located

local to the monitor, and solid state memories distributed away from the monitor (see

Zimmers; column 13, lines 20-63).

Regarding **claim 10**, The combination Zimmers-Takashimizu discloses the

system of claim 1 wherein the system further comprises an external source of

messages, wherein the monitoring software may receive and process messages from

the external source for use by the monitoring software when selecting at least one of the

selectively retrievable messages based on the event (see Zimmers; column 11, lines

10-49);

Regarding **claim 11**, The combination Zimmers-Takashimizu discloses the

method as claimed in claim 1 generating messages for transmission to a receiving

device, responsive to packets received at a monitor, the monitor operatively connected

to the Internet and to the receiving device, the method comprising the steps of:

monitoring original packets received at the monitor (see Zimmers; fig. 1, item

112; column 6, lines 46-67).

selecting at least one retrievable message from a set of retrievable messages

responsive to a received event for packets of said original packets comprising at least

one event (see Zimmers; column 11, lines 10-49);

or each receiving device associated with the selected retrievable message,

replacing each original packet being received by the receiving device with a new

packet comprising a predetermined portion of the selected retrievable message (see

Zimmers; column 11, lines 10-67) for the duration of the selected message for the

duration of the selected retrievable message (see Zimmers; column 11, lines 10-67; see

Takashimizu; column 16, lines 8-37).

Regarding **claim 12**, The combination Zimmers-Takashimizu discloses the

method as claimed in claim 11, wherein said method further comprises the steps of:

sending the retrievable messages selected based on the received event to at least one

default receiving device if no receiving devices are associated with the retrievable

messages selected based on the received event (see Zimmers; column 11, lines 10-67);.

Regarding **claim 13**, The combination Zimmers-Takashimizu discloses the method as claimed in claim 11, wherein said replacing further comprises the step of:

mixing a predetermined portion of the selected retrievable message with a predetermined portion of an input streaming media data stream contained in the original packet into a new streaming media stream contained in the new packet(see Zimmers; column 11, lines 10-67).

Regarding **claim 14**, The combination Zimmers-Takashimizu discloses the method of claim 13, further comprising:

altering an audio portion of the input streaming media data stream to a predetermined level before mixing the predetermined portion of the selected retrievable message with the predetermined portion of the input streaming media data stream into a new streaming media stream (; see Takashimizu; column 16, lines 8-37); and

altering a video portion of the input streaming media data stream to a predetermined level before mixing the predetermined portion of the selected retrievable message with the predetermined portion of the input streaming media data stream into a new streaming media stream (see Zimmers; column 11, lines 10-67; ; see Takashimizu; column 16, lines 8-37).

Regarding **claim 15**, The combination Zimmers-Takashimizu discloses the method of claim 11, wherein said replacing step the step of:

storing a predetermined portion of the original packet for later retrieval before

replacing each original packet with a new packet comprising a predetermined portion of

the selected retrievable message (see Zimmers; column 11, lines 10-67; ; see

Takashimizu; column 16, lines 8-37).

Regarding **claim 16**, The combination Zimmers-Takashimizu discloses the

method as claimed in claim 11 wherein said method further comprising the step of:

enabling an authorized end user to modify at least one property of the set of

retrievable messages for the set of retrievable messages further comprising at least one

property for each retrievable message (see Zimmers; column 11, lines 10-67).

Regarding **claim 17**, The combination Zimmers-Takashimizu discloses the

method as claimed in claim 16 wherein the modifiable property of the set of retrievable

messages comprises a destination address, audio content, visual content, and

subsequent actions to be performed by at least one of the devices at the destination

address (see Zimmers; column 11, lines 10-67).

Regarding **claim 18**, The combination Zimmers-Takashimizu discloses the

method as claimed in claim 11 wherein said method further comprises

receiving messages from an authorized third party source of messages;

associating the messages received from the third party with at least one event;

and

storing the messages received from the third party into the set of retrievable

messages (see Zimmers; column 11, lines 10-67).

Regarding **claim 19**, The combination Zimmers-Takashimizu discloses an

electronic event-based messaging system, comprising:

means for receiving a first packet from the Internet(see Zimmers; column 11,

lines 10-67);

means for analyzing the first packet to determine if it contains an event(see

Zimmers; column 11, lines 10-67);

means for retrieving at least one message associated with the event from a set of

retrievable messages for first packets containing events (see Zimmers; column 18, lines

1-48);

means for transforming data in the first packet into a set of data in a second

packet containing at least a portion of the retrieved message (see Zimmers; column 11,

lines 10-49; column 6, lines 46-67); and

means for substituting the second packet for the first packet for destination

addresses required by the first packet that are also required by the second packet (see

Zimmers; column 18, lines 1-48).

Regarding **claim 20**, The combination Zimmers-Takashimizu discloses a packet-

based messaging system stored via a data storage medium said packet-based

messaging system comprising:

a first plurality of binary values for receiving a first packet over the Internet (see

Zimmers; fig. 1, item 106; column 6, lines 52-64);

a second plurality of binary values for analyzing the first packet to determine if it

contains an event (see Zimmers; fig. 1, item 106; column 6, lines 52-64);

a third plurality of binary values for retrieving at least one message associated

with the event from a set of retrievable messages for first packets containing events

(see Zimmers; fig. 1, item 106; column 6, lines 52-64; see Takashimizu; column 16,

lines 8-37);

a fourth plurality of binary values for transforming data in the first packet into a

set of data in a second packet containing at least a portion of the retrieved message

(see Takashimizu; column 16, lines 8-37); and

a fifth plurality of binary values for substituting the second packet for the first

packet for destination addresses required by the first packet that are also required by

the second packet (see Takashimizu; column 16, lines 8-37).

Regarding **claim 23**, The combination Zimmers-Takashimizu discloses a

computer program embodied within a computer-readable medium created using the

method of claim 11(see Zimmers; column 18, lines 1-48; column 6, lines 46-67).

Response to Arguments

5.   Applicant's Request for Reconsideration filed on 05/01/2006 has been carefully

considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent

to address Applicants' main points of contention.

   A. Applicant submits that Zimmers neither discloses or suggests the

   transmission and reception of a stream of packets, the detecting of an event in a

   packet, the modification of the packet by inserting a message in the packet

   corresponding to the detected event and the substitution of the modified packet

   for a corresponding packet in the stream of packets such that the message

   is rendered by the receiving device.

   B. Applicant contends claim 11 includes the limitation "replacing each original

   packet being received by the receiving device with a new packet comprising a

   predetermined portion of the selected retrievable message for the duration of the

   selected retrievable message.

   C. Applicant contends Claim 15 specifically states storing a predetermined

   portion of the original packet for later retrieval before replacing each original

   packet with a new packet comprising a predetermined portion of the selected

   retrievable message."

6.   As to "Points A, B and C" it is the position of the Examiner that Zimmers

implicitly teaches the limitations of the above mentioned claims. However, in view of

Applicant's remarks, stating that Zimmers teaches away from the limitations of claims 1,

11 and 15, new patent of Takashimizu is used to reject the the claims as explained above.(see rejection of claims 1-20, and 23)

Examiner notes with delight that no new matter has been added and that the new claims are supported by the application as filed. Applicant has presented claims and drawings that delineate the contours of this invention as compared to the cited prior art. However, Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome and the new 103(a) rejections applied against the claims, in light of the new combination, the rejection is therefore sustained.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
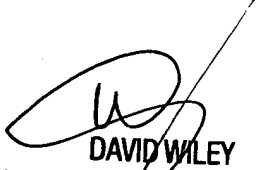
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from

examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

3914. The examiner can normally be reached on Monday-Thursday and every other

Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

JJG.

July 28, 2006